

REMARKS

Withdrawal of the final rejection, entry of the above amendment, and favorable reconsideration and allowance of the present application based on the following remarks are respectfully requested.

In view of the indication of allowable subject matter, claim 28 is rewritten, in independent form, as new claim 40.

However, it is respectfully submitted that claims 24-27 and 29-34 are also in condition for allowance.

The rejection of claims 24-27 and 29-34 as unpatentably obvious over Hague 5543074, and/or Unilever, EP 485212, and further in view of France, US 4,198,311, is respectfully traversed for the following reasons.

As best understood, the rationale for this rejection is that Hague and Unilever are relied on for disclosing compositions which have the same ingredients used in making the claimed compositions and, while the method is concededly different, in that neither primary reference uses a pre-formed substantially uniform solid surfactant composition, it would have been obvious to do so because (i) France teaches that commercially available cleansing surfactants are available in solid or semi-solid form, including flakes; (ii) Applicant's disclosure (Method 3, page 11) involves dispersing an initial solid (flake) surfactant mixture, then adding oil and water additives; and (iii) Unilever teaches that premixes of the components may be made for purposes of convenience.

Based on these disclosures, the Examiner concludes that a person of ordinary skill would have been motivated to use either liquid or solid form of a cleansing agent, since each are commercially available and interchangeable.

Applicant respectfully disagrees with the characterizations as well as the conclusions drawn thereby and respectfully submits that the prior art disclosures would not have led the practitioner to the methods or the products as claimed herein.

As clearly set forth in claim 24, the starting material in the process is "a preformed substantially uniform solid surfactant" which comprises foaming surfactant(s) and fatty amphiphile(s). This starting material, or indeed the suitability thereof, in the preparation of stable aqueous dispersions, is not found in any of the cited prior art.

Accordingly, even if it would have been obvious to form a dispersion from solid foaming surfactant(s) and solid fatty amphiphile(s), it does not follow that it would also have been obvious to form a dispersion from a pre-formed solid composition containing each of the individual ingredients, rather than simply adding and mixing the individual solid components with water.

The Examiner concedes that Hague does not disclose the use of the preformed solid composition and states that Hague is silent on the state (i.e., solid, liquid, or semi-solid) of the surfactant portion.

However, it is not relevant whether individual surfactants, including foaming surfactant and/or fatty amphiphile, are solid, or semisolid or liquid state. What is required by the claim language, is that a substantially uniform solid surfactant composition is used. Nothing in the disclosure of Hague or France suggests this starting material.

First, it is noted that France is concerned with solid toilet bars. Therefore, whatever this reference discloses regarding the form of surfactant (soap or synthetic detergent) would not be considered by the practitioner, to be relevant to the problem(s) confronting him or her in the manufacture of an aqueous dispersion.

Second, what is actually disclosed in column 5, lines 11-14, is that a nonionic or anionic synthetic detergent "must be available in non-liquid form, i.e., powder flake or semi-solid." This disclosure is directly opposed to the proposition that such synthetic detergents in liquid form are considered to be interchangeable with solid form synthetic detergents. Again, it is not the form of the individual ingredients, rather that a substantially uniform solid composition containing each of foaming surfactant(s) and fatty amphiphile(s) is used to form a stable aqueous dispersion. There is simply no disclosure or suggestion of forming a substantially uniform solid surfactant composition from such non-liquid anionic and non-ionic surfacants, before incorporation into the toilet bar, much less, that a substantially uniform solid surfactant composition of foaming surfactant(s) and fatty amphiphile(s) would be useful in forming a stable aqueous foaming surfactant dispersion.

Accordingly, the combination of Hague 5,543,074, with France 4,198,311, does not support a *prima facie* obviousness rejection.

Similarly, the disclosure of Unilever, merely relates to a foaming detergent composition which can contain similar ingredients to embodiments of the present invention. However, here too, it is noted that there is no disclosure or suggestion of a starting material which is a substantially uniform solid surfactant composition.

Nevertheless, the Examiner refers to page 4 as teaching that pre-mixes of the components may be made for purposes of convenience.

With all due respect, Applicant disagrees which this characterization and, moreover, submits that for “purposes of convenience” one skilled in the art would not be motivated to use a substantially uniform solid composition, since it would not have been obvious that starting with a preformed solid composition would facilitate production, much less, result in a stable aqueous dispersion.

The apparently relevant disclosure according to the Examiner, is that found on page 4 of Unilever, under the heading “Method of Preparation” which, in relevant part, states that “[p]remixes of some components may be made and combined, if convenient.”

Here, however, there is no clear statement of which components should be premixed, whether such components are solid or liquid, or under what circumstances doing so would be convenient.

Such broad statement, would not suggest doing what the Applicant has done. Nor would it have been apparent that using a substantially uniform solid surfactant composition to be included in an aqueous dispersion, would ever be considered “convenient.”

Again, the disclosure of France, is not that substantially uniform solid surfactant compositions comprising foaming surfactant(s) and fatty amphiphile(s) are considered interchangeable with liquid components or, commercially available. In fact, all that is disclosed by France is simply that solid synthetic detergents are required in solid toilet bars.

Absent Applicant’s own disclosure, France’s disclosure would not provide any motivation to modify the processes of Unilever which would lead to the present invention.

Accordingly, the combination of Unilever and France does not support a case of *prima facie* obviousness of the pending claims.

Similarly, considering Hague and Unilever in combination with France also fails to support a case of *prima facie* obviousness. Such combination of references still fails to suggest using a pre-formed substantially uniform solid composition containing foaming surfactant(s) and fatty amphiphile(s) to form a stable aqueous dispersion of foaming surfactant(s).

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Attached is a marked-up version of the changes made to the specification and claims by the current amendment. The attached Appendix is captioned **“Version with markings to show changes made”**.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

Pillsbury Winthrop LLP

By: Richard A. Steinberg

Richard A. Steinberg

Reg. No.: 26,588

Paul L. Sharer

Reg. No.: 36,004

Tel. No.: (703) 905-2039

Fax No.: (703) 905-2500

RAS/cdw  
1600 Tysons Boulevard  
McLean, VA 22102

(703) 905-2000  
Enclosure: Appendix

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE  
IN THE CLAIMS:

Claim 28 is cancelled, without prejudice and replaced with claim 40.

IN THE ABSTRACT OF THE DISCLOSURE:

A new Abstract is provided on a separate page attached hereto.

End of Appendix